

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JERRY J. EACHOLES	:	Case No. 1:16-cv-373
Petitioner,	:	
	:	Judge Timothy S. Black
vs.	:	
WARDEN, SOUTHEASTERN	:	Magistrate Judge J. Gregory
CORRECTIONAL INSTITUTION,	:	Wehrman
Respondent.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 16) and
TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge J. Gregory Wehrman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and submitted a Report and Recommendation (Doc. 16). Petitioner did not file an objection, despite obtaining an extension of time in which to do so.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that the Report and Recommendation should be and is hereby adopted in its entirety. Accordingly:

1. The Magistrate Judge's Report and Recommendation (Doc. 16) is **ADOPTED**;
2. Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DENIED** with prejudice;

3. A certificate of appealability shall not issue because Petitioner has not stated a viable claim of the denial of a constitutional right, nor are the issues presented adequate to deserve encouragement to proceed further;
4. An appeal of this Order would not be taken in good faith, and accordingly Petitioner is denied leave to appeal *in forma pauperis*; and
5. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: 12/11/18

Timothy S. Black
Timothy S. Black
United States District Judge